

Notice of Allowability

Application No.

10/802,610

Examiner

Amy T. Lang

Applicant(s)

VANN ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/17/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20060917.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Zboray on 09/15/2006.

The application has been amended as follows:

Claim 1, line 6, replace "at least 20 wt%" with "at least 20 to 80 wt%" as is disclosed on page 2, paragraph [0007] of the specification.

STATEMENT OF REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the "closest" prior art (US 6,407,231 B1), (US 5,503,759), (US 2005/0090407 A1), (US 6,599,865 B1), and (US 3,577,343).

US 6,407,231 B1 teaches a mixture of alkylated phenothiazines and diphenylamines, such that both can be mono- or di-alkylated. The mixture and additional additives including rust inhibitors and antiwear agents are then added to a lubricating fluid. However, US 6,407,231 B1 does not disclose the specific ratio of monoalkylated phenothiazines to dialkylated phenothiazines.

US 5,503,759 discloses a mixture of mono- and di-alkylated phenothiazines and diphenylamines. The mixture is then added to a lubricating fluid along with rust inhibitors and antiwear agents. However, US 6,503,59 does not disclose the specific ratio of monoalkylated phenothiazines to dialkylated phenothiazines.

US 2005/0090407 A1 discloses a lubricating oil composition comprised of an alkylated phenothiazine and diphenylamine. The phenothiazine and diphenylamine can both be either mono- or di-alkylated. However, US 2005/0090407 A1 does not disclose the specific ratio of monoalkylated phenothiazines to dialkylated phenothiazines and a mixture of mono- and di-alkylated phenothiazines and mono- and di-alkylated diphenylamines.

US 6,599,865 B1 discloses a lubricating oil composition comprised of an alkylated phenothiazine and diphenylamine. The phenothiazine and diphenylamine can both be either mono- or di-alkylated. However, US 6,599,865 B1 does not disclose the specific ratio of monoalkylated phenothiazines to dialkylated phenothiazines and a mixture of mono- and di-alkylated phenothiazines and mono- and di-alkylated diphenylamines.

US 3,577,343 discloses the advantage of using a mixture of dialkylated diphenylamines and phenothiazines as antioxidants in lubricating compositions. However, US 3,577,343 does not disclose a mixture including monoalkylated phenothiazines and monoalkylated diphenylamines.

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3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy T. Lang whose telephone number is 571-272-9057. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/15/06

ATL

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